

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

MOHAMMAD KHOSHNEVISZADEH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 04-0221-CV-W-HFS
	)	
	)	
GENERAL ELECTRIC COMPANY,	)	
	)	
Defendants.	)	

**MEMORANDUM TO COUNSEL**

Orderly disposition of the issues suggests scheduling a reasonably prompt argument on both the Daubert issue and the motion for summary judgment. At a Daubert hearing I would not expect further proof unless a party gives notice to me and opposing counsel at least a week prior to argument. I note that cases of this general nature are not unprecedented. Commercial Union Assurance Co. v. Sears, Roebuck, and Co., 716 F.2d 606, 607 (10<sup>th</sup> Cir. 1983).

It is conceivable that Mr. Martin was qualified to offer expert testimony, at least on some pertinent subjects, but that his ultimate conclusions are speculative or too general for a reasonable jury to find for plaintiff. See 103 Investors I, L.P. v. Square D. Company, 372 F.3d 1213 (10<sup>th</sup> Cir. 2004); Hartford Fire Insurance Co. v. Maytag Co., 374 So.2d 1269, 1273 (La. App. 1979).

Completion of briefing on the summary judgment motion is desirable.

/s/ Howard F. Sachs  
HOWARD F. SACHS  
UNITED STATES DISTRICT JUDGE

July 7, 2005

Kansas City, Missouri